

REMARKS/ARGUMENTS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Upon entry of this response, claims 60-78 will be pending.

The claims stand rejected under 35 U.S.C. §103(a) as obvious over Binet *et al.* (US 4,357,184), in view of “notoriously well known art”. Applicants respectfully traverse this rejection for at least the following reasons.

The Examiner notes that “Table VIII’, Example 50” of Binet illustrate “an example of a gassing solution according to the claimed invention”. Apparently recognizing that this reference fails to teach all of the elements of the presently claimed invention, the Examiner forms a §103 rejection by combining Binet with *notorious* yet, oddly, *indescribable* art, postulating that “variation of specific notoriously well known ingredients, such as the prior art applied in the parent application of the instant application, would have been obvious to one of ordinary skill in the art.” The Applicants are unable to discern which references, ingredients, claim elements, suggestion to combine, or reasonable likelihood of success form the basis of the Examiner’s rejection. As a result, the Applicants feel that they have been unfairly handicapped in preparing this response. In this regard, the Examiner’s attention is drawn to MPEP §2142 which states that:

it is the duty of the examiner to explain why the combination of the teachings is proper. A statement of a rejection that includes a large number of rejections must explain with reasonable specificity at least one rejection, otherwise the examiner procedurally fails to establish a *prima facie* case of obviousness.¹

Having failed to explain at least one rejection with reasonable specificity, the Examiner has, consequently, failed to establish the *prima facie* obviousness of the presently claimed invention. Accordingly, the Applicants respectfully request reconsideration and withdrawal of this rejection.

To the extent the Applicants can address the Binet reference, it is noted that Example 50 discusses the use of a “[p]olymeric emulsifier” which is a “[b]lock copolymer comprising

¹ MPEP §2142 (*citations omitted*).

30% component B (residue of polyalkylene glycol of MW 1500)".² In contrast, the presently claimed invention recites a poly[alk(en)yl] succinic anhydride based emulsifier. Therefore, the Examiner has failed to show how it would have been obvious to modify Binet so as to obtain a method for forming a gassed emulsion by using the emulsifiers of the presently claimed invention in combination with a gasser solution comprising a solution of an inorganic nitrite, an ammonium species and optionally an accelerator. Accordingly, the Applicants request reconsideration and withdrawal of this rejection.

Regarding the Examiner's refusal to grant foreign priority, the Applicants reiterate the arguments set out in their response of January 23, 2003.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: 

Paul L. Sharer
Registration No. 36,004
Direct No. (703) 905-2180

PLS/CMB
1600 Tysons Boulevard
McLean, VA 22101
(703) 905-2000 Telephone
(703) 905-2500 Facsimile

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² Binet Table VII.